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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

United States of America,

Plaintiff,

vs.

Alexander True Norman,

Defendant.

CR 19-00690-TUC-JAS (LCK)

**GOVERNMENT'S MOTION FOR
PROTECTIVE ORDER PURSUANT TO
RULE 16**

The United States of America, by and through its undersigned counsel, respectfully moves the Court for a protective order in this matter concerning disclosure related to law enforcement sensitive information. In support thereof, the following is stated:

On March 13, 2019, the defendant was indicted in Arizona with coercion and enticement offenses. As part of its investigation, an undercover agent used a profile containing a picture of an undercover agent, and a law enforcement sensitive username. The government obtained screen captures of the profile, which contains the sensitive username, and copies of the photos of the undercover agent. The government wishes to disclose this information to the defendant. However, before said disclosure, the government believes a protective order should be issued by the court to protect the sensitive nature of the government's disclosure.

Federal Rule of Criminal Procedure 16(d)(1) affords the Court the authority to make appropriate orders with respect to any and all discovery and inspection of documents and tangible objects. As a result, because of the volume of the additional discovery

1 forthcoming, and the personal information contained within, the government believes a
2 protective order is appropriate and will expedite the discovery process.

3 WHEREFORE, the United States respectfully requests that the Court issue an
4 Order which provides that:

5 Defense counsel (including investigators, paralegals and office staff) receiving the
6 disclosure containing the aforementioned information shall not provide, reproduce or
7 distribute in hard copy or electronic form any personal information contained within that
8 data without further order of the Court. Defendant shall not provide, reproduce or
9 distribute in hard copy or electronic form any personal information contained within
10 disclosure. This Order shall not prevent defense counsel from otherwise showing or
11 discussing with their client evidence contained within that disclosure under the supervision
12 of defense counsel or their agents.

13 IT IS FURTHER ORDERED that defense counsel may provide the disclosure for
14 the use of their investigators (who consent to the jurisdiction and Order of this Court), but
15 that such investigators shall not further copy said disclosure without further order of the
16 Court.

17 IT IS FURTHER ORDERED that defense counsel may provide the disclosure for
18 the use of their paralegals (who consent to the jurisdiction and Order of this Court), but
19 that such paralegals shall not further copy said disclosure without further order of the Court.

20 IT IS FURTHER ORDERED that defense counsel may provide the disclosure for
21 the use of any expert (who consents to the jurisdiction and Order of this Court), but that
22 such expert shall not further copy said discovery without further order of the Court.

23 IT IS FURTHER ORDERED that with respect to disclosure, that it is for use in the
24 defense in this criminal case only.

25 Counsel for the government discussed this request with counsel for the defendant,
26 and they agree with this motion.

27 Accordingly, the United States requests that this Court issue an Order providing
28 that:

1 1. Defense counsel shall maintain all law enforcement sensitive material
2 counsel receives from the United States in defense counsel's custody and may scan,
3 reproduce and disclose such information only to the Defendant, defense investigators,
4 agents or experts as necessary for purposes of the defense of this case. Defendant, defense
5 investigators, agents and/or experts receiving such information shall not reproduce or
6 disseminate any unredacted law enforcement sensitive material without further order of the
7 Court and must return any copies of such material to defense counsel at the conclusion of
8 this case.

9 2. The order resulting from this Motion shall be presented to any individual to
10 whom, under the terms of the order, defense counsel or Defendant discloses the law
11 enforcement sensitive material. By accepting any law enforcement sensitive material, such
12 persons shall agree to submit to the jurisdiction of the United States District Court for the
13 District of Arizona for the sole purpose of enforcing the terms of the order.

14 3. With respect to any discovery provided by the United States in this case, said
15 discovery is for use in the defense of this criminal case only and shall be returned to the
16 assigned Assistant U.S. Attorney upon demand for destruction after the completion of the
17 proceedings, to include any appeal, collateral attack, or other post-conviction proceeding.

18 4. Nothing in the Court's order requires the United States to provide discovery
19 beyond what is required by F. R. Crim. P. 16, and the Court's discovery orders.

20 5. Defense counsel shall file an acknowledgment of the order resulting from
21 this Motion within 10 days of the date of such order.

22 Respectfully submitted this 27th day of June, 2019.

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24 MICHAEL BAILEY
25 United States Attorney
26 District of Arizona

27 /s/ Adam D. Rossi

28 ADAM D. ROSSI
 Assistant U.S. Attorney

1 Copy of the foregoing electronically
2 filed on this 27th day of June, 2019, to:

3 Joshua Hamilton, Esq.
4 Michael Bloom, Esq.
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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA

8 United States of America,
9 Plaintiff,

CR 19-00690-TUC-JAS (LCK)

10 vs.

ORDER

11
12 Alexander True Norman,
13 Defendant.
14

15 Good cause appearing, IT IS ORDERED, pursuant of Fed. R. Crim. P. 16(d)(1),
16 that the Government's Motion for Protective Order Pursuant to Rule 16 is granted.

17 Defense counsel (including investigators, paralegals and office staff) receiving
18 disclosure containing law enforcement sensitive information shall not provide, reproduce
19 or distribute the disclosure in any form without further order of the Court. Defendant
20 shall not provide, reproduce or distribute the disclosure in any form without further order
21 of the Court. This Order shall not prevent defense counsel from otherwise showing or
22 discussing with their client the disclosure under the supervision of defense counsel or
23 their agents.

24 IT IS FURTHER ORDERED that defense counsel may provide the disclosure for
25 the use of their investigators (who consent to the jurisdiction and Order of this Court), but
26 that such investigators shall not further copy said disclosure without further order of the
27 Court.
28

1 IT IS FURTHER ORDERED that defense counsel may provide the disclosure for
2 the use of their paralegals (who consent to the jurisdiction and Order of this Court), but
3 that such paralegals shall not further copy said disclosure without further order of the
4 Court.

5 IT IS FURTHER ORDERED that defense counsel may provide the disclosure for
6 the use of any expert (who consents to the jurisdiction and Order of this Court), but that
7 such expert shall not further copy said disclosure without further order of the Court.

8 IT IS FURTHER ORDERED that, with respect to the disclosure, it is for the use
9 in the defense in this criminal case only and that the disclosure shall be returned to the
10 government so that the data can be destroyed after the completion of the proceedings.

11 Dated this _____ day of _____, 2019.

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15 Lynnette C. Kimmins
16 United States Magistrate Judge
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